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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,869	03/09/2004	Liew C. Chiu	78348CIP1CON1 (29-5USCIP)	3751
27975	7590	04/04/2005	EXAMINER	
ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791			LIN, TINA M	
			ART UNIT	PAPER NUMBER
			2874	

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/797,869

Applicant(s)

CHIU ET AL.

Examiner

Tina M. Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-12, 24, 25, 50-53, 56-58 and 71-80 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-12, 24, 25, 50-53, 56-58 and 71-80 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/25/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6, 10-12, 24-25, 50-53, 56-58 and 71-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,901,263 to Gaio et al. and further in view of U.S. Patent 6,364,709 B1 to Jones. In regards to claims 1-3, 6, 11-12, 50-53 and 57-58, Gaio et al. discloses a fiber optic module comprising of a latch to disengage and withdraw an optical module by sliding the module on a plane. Gaio further discloses electro-optic transducers to convert optical signals to electrical ones and electrical signals into optical ones. Furthermore, the latch disclosed by Gaio et al. can be engaged and disengaged by pulling the latch from the lock or unlock position. Additionally, Gaio et al. discloses that the latch can be made of a metal or a polymeric material. (Column 3) But Gaio et al. fails to specifically disclose the optical fiber module to be withdrawn from a cage assembly and that the module is a SFP cage assembly. However, Jones discloses a SFP cage assembly to be connected to an optical module with the ability to convert optical signals to electrical signals, electrical signals to optical signals and with the ability to disengage the optical module. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art for the optical module to be withdrawn from a cage assembly and to use a SFP cage assembly.

In regards to claims 10 and 56, Gaio et al. and Jones fail to disclose indicator marks on the module, which the actuator releases from. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have placed indicator marks in order to aid the technician to indicated if the optical module was released or not.

In regards to claims 24 and 25, Gaio et al. discloses a cage with a multiple optical modules. (Figure 5) But Gaio et al. and Jones fail to disclose two pull actuators. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have a second independent pull actuator for disengaging and withdrawing each optical module. Furthermore, each of the pull actuators are to perform the same purpose of disengaging the optical fibers. Moreover, it has been held that mere duplication of essential working parts of a device involves only routine skill in the art. *St. Regis Paper Co. vs. Bemis Co.*, 193 USPQ 8.

In regards to claims 71-74, Gaio et al. further discloses electro-optic transducers to convert optical signals to electrical ones and electrical signals into optical ones. But, Gaio et al. fails to disclose a second cage assembly to be coupled to the optical module. However, Jones discloses an additional metal cage to surround the optical module. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have two metal cages with the ability to align together to configure a fiber optical module. Gaio et al. and Jones also fail to disclose two pull actuators. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have a second independent pull actuator for disengaging and withdrawing each optical module. Furthermore, each of the pull actuators are to perform the same purpose of disengaging the optical fibers. Moreover, it has been held that mere duplication of essential working parts of a device involves

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only routine skill in the art. *St. Regis Paper Co. vs. Bemis Co.*, 193 USPQ 8. Gaio et al. and Jones also fail to disclose indicator marks on the module, which the actuator releases from. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have placed indicator marks in order to aid the technician to indicated if the optical module was released or not.

In regards to claims 75-80, Gaio et al. discloses a pull mechanism but Gaio et al. and Jones fail to specifically disclose a pull button, knob, hook, ring, or square. However, since applicant has claims a numerous different shapes for the pull-tab, it is a non-critical feature of the invention. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have used any desirable and optimal shape for the pull tab.

Claims 4-5 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,901,263 to Gaio et al. in view of U.S. Patent 6,364,709 B1 to Jones, in regards to claim 1 and in further view of U.S. Patent 6,335,869 B1 to Branch et al. Gaio et al. and Jones disclose all discussed above, but fail to disclose grooves to slidable engage the fiber optic module. However, Branch et al. does disclose a removable transceiver module with grooves (40) in the cage assembly for the module to slide into. Therefore, if there are grooves in the cage assembly, there must be grooves in the pull actuator as well in order for the grooves to lock into place. (Figure 2) Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have grooves in the pull actuator for the purpose or engaging a fiber optic module or withdraw a fiber optical module.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References D-F discuss other mechanical connections and latches that comprise a two-part assembly cage.

The documents submitted by applicant in the Information Disclosure Statement have been considered and made of record. Note attached copy of form PTO-1449.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tina M. Lin whose telephone number is (571) 272-2352. The examiner can normally be reached on Monday-Friday 8:30-5:30.

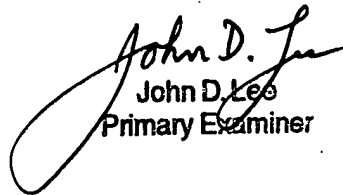
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (571) 272-2344. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



TML



John D. Lee
John D. Lee
Primary Examiner